REMARKS

The Office Action dated August 28, 2006, has been received and carefully noted. The period for response having been extended from November 28, 2006 until January 28, 2007, the above amendments to the claims and the following remarks are submitted as a full and complete response thereto.

Claims 1-6 and 10-24 have been amended to more particularly point out the subject matter of the invention. New claim 25 is submitted, to recite additional embodiments of the invention which were disclosed in the specification as originally filed. No new matter has been added. Claims 1-25 are respectfully submitted for consideration.

Claims 1-3, 5, 10-12, 13-15, 17, and 22-24 were rejected under the 35 USC 103(a) as being unpatentable over Lippelt (USP Publication No. 2005/0136890) in view of Sarcanin (USP No. 6,941,285). The Office Action took the position that Lippelt disclosed all of the elements of the claimed invention, with the exception of sending charging update data from the accounting client to the accounting server during a call, and correlating the charging update data in the accounting server based upon the accounting session identifier, thereby enabling updating of the prepaid credit during the call. Sarcanin is cited as curing the deficiencies in Lippelt. The Office Action then took the position that it would have been obvious to combine Lippelt and Sarcanin to yield of the claimed invention. As will be discussed below, applicants respectfully submit that

each of the presently pending claims recite subject matter which is neither disclosed nor suggested in the cited prior art.

Claim 1 upon which claims 2-12 are dependent, is directed to a method of charging against prepaid credit in a communication network. The method includes requesting establishment of a call between a first terminal and a second terminal. The method also includes ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit. In the event some or all of the costs are to be charged against prepaid credit, the method also includes establishing an accounting session between an accounting server and the accounting client that will generate the costs to be charged against the prepaid credit. The accounting session is allocated an accounting session identifier. The method further includes establishing the call with the second terminal, sending charging update data from the accounting client to the accounting server during the call, and collating the charging update data in the accounting server on the basis of the accounting session identifier. This thereby enables updating of the prepaid credit during the call.

Independent claim 13, upon which claims 14-23 depend, recites a communication network apparatus configured to allow charging against prepaid credit in relation to a first terminal, in a network. The network includes an accounting server and an accounting client capable of generating costs associated with a service in the network. The network is configured to accept a request from the first terminal for establishment of a call between the first terminal and a second terminal, and to ascertain whether any costs

generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit. In the event some or all of the costs are to be charged against prepaid credit, the network is also configured to establish an accounting session between the accounting server and the accounting client that will generate the costs to be charged against the prepaid credit. The accounting session is allocated an accounting session identifier. The apparatus is further configured to include establishing the call with the second terminal, wherein the accounting client is configured to send charging update data to the accounting server during the call, and the accounting server is configured to collate the charging update data on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call.

As will be discussed below, each of the presently pending claims recite the subject matter which is neither disclosed nor suggested in the cited prior art.

As noted in paragraph 3, the Office Action acknowledges that Lippelt fails to disclose several important elements regarding the sending of charging update data from the accounting client to the accounting server during the call, and correlating the charging update data in the accounting server on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call. The Office Action refers to column 5, lines 42-50 of Sarcanin as disclosing this element.

Lippelt is discussed in applicants' response which was filed on May 30, 2006. Sarcanin is directed to a method and system for a virtual safe, and discloses various transaction methods. The Office Action asserts that the specific claimed elements are

discussed in this section of Sarcanin. However, lines 42-50 of column of 5 of Sarcanin are merely directed to updating Smart Card information by debiting an accounting balance by a price to produce an updated account balance, and storing the updated account balance at a client terminal. Sarcanin further discloses sending of a verification response message from the client terminal to the payment server, with the verification response message including an indication that a second digital signature matches a second check digital signature, and that the transaction can proceed. However, applicants' respectfully but strongly submit that it is incorrect to assert that the client terminal of Sarcanin can be considered to be comparable to the accounting client which is recited in the present claims. As noted previously, the presently pending claims recite, among other things, sending charging update data from the accounting client to the accounting server. In Sarcanin, however, an updated account balance is stored at a <u>client terminal</u>. This is a significant and substantive distinction between the presently pending claims and Sarcanin. Additionally, there is no discussion in Sarcanin of charging update data, as recited in the presently pending claims. Sarcanin does in fact disclose the sending of a verification response message from the client terminal to the payment server. However, this message merely serves as an indication that a second digital signature matches a second check digital signature. However, this can not be considered to be comparable to charging update data, as recited in the presently pending claims. Furthermore, Sarcanin discloses that the verification response message is sent to a payment server, and not sent to an authentication server. Though Sarcanin does disclose

an authentication server, this verification response message is not sent to it. Therefore, the sending of a response message to a payment server can not properly be compared to the claimed feature of sending charging update data from the accounting client to the accounting server, as recited in the presently pending claims.

The Office Action also seems to rely upon lines 16-41 of column 5 of Sarcanin as disclosing "correlating the charging update data..." as recited in the presently pending claims. However, Sarcanin merely discloses, in this section, "storing the updated account balance at the authentication server." The storage of this information in Sarcanin, however, can not be considered to be comparable to the allocated accounting session identifier, or the correlating, as recited in the presently pending claims. More specifically, the second digital signature of Sarcanin is merely used to determine whether a payment may proceed; there is no indication of any correlating of any charging update data, as recited in the presently pending claims.

In view of the above, applicants respectfully submit that a combination of Lippelt and Sarcanin would fail to disclose or suggest the elements of the claims.

Furthermore, the Office Action takes the position that Sarcanin is in the same field of endeavour as Lippelt. However, Lippelt is directed to a method and apparatus for charging of communication services in a cellular communication system. Sarcanin, however, is directed to network transactions utilizing a virtual Smart card. This is, essentially, one-off payments over the Internet using a credit or debit card. It is respectfully submitted that a person of ordinary skill in the art of methods and

apparatuses for charging of communication services would not have any motivation to look to the teachings of Sarcanin in an effort to improve charging methods and systems. It is respectfully submitted that in the prepaid communications service it is necessary to repeatedly send charging update data during a particular accounting session. Sarcanin, on the other hand, is related to making one-off payments, and Sarcanin therefore does not provide any information which would be of assistance to a person of skill in the art regarding prepaid communication systems.

Applicants respectfully submit that in order for rejection to be proper under 35 USC 103, there must be some motivation in the cited references or in the art in general to combine the references to yield the claimed invention. The one-off nature of the transactions of Sarcanin makes it completely non-analogous to the teachings of Lippelt; any attempt to combine these references, therefore, is improper.

The following prior art rejections were also made in the outstanding Office Action:

Claims 4 and 16 were rejected under 35 USC 103(a) as being unpatentable over Lippelt in view of Sarcanin and further in view of Cobo (USP No. 6,496,690); and Claims 6-9 and 18-21 were rejected under 35 USC 103(a0 as being unpatentable over Lippelt in view of Sarcanin and further in view of Chaney (USP No. 6,947,724).

As discussed below, applicants respectfully submit that neither Cobo nor Chaney, when viewed in combination with Lippelt and Sarcanin, disclose or suggest the present

invention. Moreover, applicants respectfully submit that neither Cobo nor Chaney cures the significant deficiencies which exists in the combination of Lippelt and Sarcanin, as discussed above.

Cobo teaches a system and method of providing a prepaid subscriber service to a mobile subscriber in an integrated wireless telecommunications network having a circuit-switched portion and a General Packet Radio Service (GPRS) packet-switched portion. A prepaid subscriber class (PPSC) is stored in a home location register (HLR), and the PPSC is sent from the HLR to a serving mobile switching center (MSC) when the subscriber registers in the circuit-switched portion of the network. The PPSC is sent from the HLR to a serving GPRS support node (SGSN) when the subscriber registers in the packet-switched portion of the network. Also, the PPSC may be sent from the SGSN to a Gateway GPRS Support Node (GGSN) in order to indicate that the subscriber is a prepaid subscriber. When the mobile subscriber begins a packet-switched data session, the SGSN, GGSN, or both periodically send partial call data records (CDRs) to a prepaid center (PPC). When the mobile subscriber begins a circuit-switched call, the MSC periodically sends partial CDRs to the PPC. The PPC calculates in near real time, a new account balance for the prepaid subscriber. The current call is disconnected, and prepaid services are stopped when the account balance is reduced to zero.

However, Cobo does not teach or suggest ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, as recited in Applicants' independent claims 1 and 13, the

independent claims from which rejected claims 4 and 16 depend. Further, Cobo does not teach or suggest sending charging update data from the accounting client to the accounting server during the call, as recited in Applicants independent claims 1 and 13, the independent claims from which rejected claims 4 and 16 depend. Since neither Lippelt nor Sarcanin teach these features, Applicants submit that Cobo fails to further the teaching of neither Lippelt nor Sarcanin to the level necessary to support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of clams 4 and 16 is respectfully requested.

Chaney teaches a system and method in a telecommunications network for billing a call placed by a user based on a reported traffic load in the network. The system includes at least one Media Gateway Control Function (MGCF) that sends a reported traffic load for the MGCF in a registration message to a presence and instant messaging (PIM) Server. Users that subscribe to a load-based billing service also register with the PIM Server. The PIM server sends the reported traffic load to the users whenever the traffic load is updated by the MGCF, and to a billing node when the user places the call. A Call State Control Function (CSCF) sends the duration of the call to the billing node. The billing node determines a billing rate based on the reported traffic load and calculates a charge for the call based on the determined billing rate and the duration of the call.

However, Chaney does not teach or suggest ascertaining whether any costs generated by accounting clients in the network, and associated with the call, are to be charged against prepaid credit, as recited in Applicants' independent claims 1 and 13, the

independent claims from which rejected claims 6-9 and 18-21 depend. Further, Chaney does not teach or suggest sending charging update data from the accounting client to the accounting server during the call, as recited in Applicants independent claims 1 and 13, the independent claims from which rejected claims 6-9 and 18-21 depend. Since neither Lippelt nor Sarcanin teach these features, Applicants submit that Chaney fails to further the teaching of neither Lippelt nor Sarcanin to the level necessary to support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of clams 6-9 and 18-21 is respectfully requested.

New claim 25 is directed to a device comprising various means to perform the functions which are disclosed in the present specification. Full support for this claim exists in the specification as originally filed. In view of the above, applicants respectfully submit that the cited combinations of Lippelt, Sarcanin, Cobo, and/or Chaney fail to disclose or suggest the subject matter of any of presently pending claims 1-25. These claims each recites the subject matter, therefore, which is neither disclosed nor suggested in the cited prior art. Applicants submit that this subject matter is more than sufficient to render the claimed invention unobvious to a person of ordinary skilled in the art. It is therefore respectfully requested that claims 1-25 be found allowable, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time;
Additional Claim Fee Transmittal;
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